

REZONING

PROCEDURE

CONTENTS:

- (1) TOWN CODE SECTIONS 24.-36 THRU 24.-38.
- ____(2) REZONING APPLICATION.
- ____(3) PROPERTY DESCRIPTION.
- (4) EXHIBIT A.
- (5) EXHIBIT B.
- (6) AFFIDAVIT OF MAILING.
- (7) ATTACHMENT II.
- (8) ATTACHMENT III.
- (9) SHORT ENVIRONMENTAL ASSESSMENT FORM.

TOWN CODE
CHAPTER 24, ARTICLE II,

DIVISION 2 "AMENDMENTS"

Sec. 24-36. Generally

(a) The Town Board may, from time to time, on its own motion or on petition in accordance with the applicable provisions of the Municipal Home Rule Law, after public notice and hearing, amend, supplement, change, modify or repeal this chapter. The petitioner shall pay a fee of two hundred dollars (\$200.00).

(b) Notice of public hearing shall be published in the official newspaper of the town at least five (5) days before the date of the public hearing. The notice shall contain an abstract of the local law, and when a parcel is being rezoned to a different classification, the tax map number of the parcel and such other additional information as may be appropriate.

(c) After adoption, the local law shall be filed with the secretary of state and published by the secretary of state in accordance with the Municipal Home Rule Law.

(d) At the time of the public hearing on any zoning which is in regard to the rezoning of any premises within the town to any classification other than RA-1 one family residence district, there must be presented to the town board an affidavit stating that, not earlier than twenty (20) days nor later than ten (10) days prior to such hearing, written notice of the proposed rezoning has been mailed to the owners of the property within five hundred (500) feet of the premises to be rezoned, as the names and addresses appear on the last completed assessment roll, and listing all the names of the persons to whom the notice was mailed. The affidavit must be presented by the person seeking the rezoning, and if the rezoning is on the motion of the town board, such affidavit must be presented by the town clerk.

(Code 1966, Sec 44-XII-1(A); L.L. No. 4 of 1988, Sec 1)

Sec. 24-37. Information required on applications.

(a) In addition to any other information required by this chapter, all applications for a zoning change to RA-1 one family residence district, RA-2 one and two family residence district, RC multiple residence district, RR rural residence district, C-1 general shopping district, C-2 community business district, CD commercial development district, I industrial district, or ID industrial development district shall supply the town board six (6) paper prints of the rezoning application map. These prints shall be submitted with the petition for rezoning.

The map shall indicate the following:

- (1) Boundary survey data.
- (2) Topographical contours.
- (3) Existing drainage features (e.g., culverts, marshes, ponds, and streams).

- (4) Special site conditions (e.g., easements, power lines and structures).
- (5) Zoning district boundary (new and existing).
- (6) Relationship to the comprehensive plan for the area.
- (7) Proposed street and block layout, parking driveways and building locations with reference to surrounding properties and street patterns.
- (8) Proposed utilities and special district boundaries.
- (9) Proposed grades for site, including streets, utilities and drainage.
- (10) Key map; general location in town.

(b) Any of the above information may be waived by the town board on petition of the applicant or on its own motion.

(Code 1966, Sec. 44-XII-1(E))

Sec. 24-38 Sewage requirements for rezoning.

(a) No property shall be rezoned from RR rural residence district to any classification unless, either:

- (1) Public sewer has been extended across the frontage of the property along any existing or proposed street or proposed extension of any street; or
- (2) A performance bond is given to the town in amount determined by the town engineer to be sufficient to cover the cost of extending the public sewer across the frontage of the property along any existing or proposed street or proposed extension of any street; and the petition recites that the bond has been presented to the town pursuant to this section, and that a copy thereof is attached to the petition; or
- (3) The petition contains a covenant which states that pursuant to this section that the property will be subdivided and will be developed only in compliance with the town subdivision regulations and requirements of the town planning board. No parcel or any part thereof which has been rezoned pursuant to this subsection shall be developed without such compliance.

(b) Where the rezoning is pursuant to the requirements of paragraph (a)(2) or (a)(3) of this section, a copy of the petition and of any performance bond shall be filed or recorded in the county clerk's office to place prospective purchasers on notice of such bond or commitment. Upon the conveyance of any property rezoned pursuant to paragraph (a)(2) of this section, the grantee shall give a performance bond to the town in an amount as determined by the town engineer which

bond shall be filed or recorded in the county clerk's office. Upon receipt of the bond the prior bond shall be returned to the person who posted it or exchanged for a new bond where a portion of the property is retained by the grantee.

(c) The town may require an increase in the amount of any performance bond given pursuant to this section at any time the town engineer certifies that an increase is required. A copy of the new bond shall be recorded in the county clerk's office.

(d) Any performance bond given under this section shall be written by a company licensed by the state to engage in the business of writing such bonds and shall be in a form satisfactory to the town attorney.

(e) The town board, by a resolution stating the reasons therefor and approved by a least four (4) affirmative votes, may waive all or any part of the requirements of this section as to all or any part of any parcel.

(Code 1966, Sec. 44-XII-2)

TOWN OF VESTAL **REZONING APPLICATION**

(1) NAME OF APPLICANT:

(2) MAILING ADDRESS:

(3) TELEPHONE NUMBER:

(4) PROPERTY ADDRESS:

(5) TAX MAP NUMBER:

(6) CURRENT ZONING:

(7) PROPOSED ZONING:

(8) REASON FOR CHANGE:

DATE

SIGNATURE

PROPERTY DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Vestal,
County of Broome and State of New York, bounded and described as follows:

Broome County Tax Map Number(s): _____

Being the same premises conveyed to _____

by _____ by Deed dated _____

and recorded in the Broome County Clerk's Office on _____

in Liber _____ of Deeds at Page _____.

EXHIBIT A

LIST OF PROPERTY OWNERS

The following is a list of property owners that are within five hundred (500) feet of the property which is being proposed to be rezoned. The owners names and addresses are as they appear in the last compiled tax assessment roll.

PROPERTY OWNER'S NAME PROPERTY OWNER'S ADDRESS

PROPERTY OWNER'S NAME PROPERTY OWNER'S ADDRESS

EXHIBIT B

LETTER TO BE SENT TO THE PROPERTY OWNERS RE REZONING

Dear _____:

Please be advised that a public hearing will be held by the Town Board of the
Town of Vestal on _____, 19 ____ at 7:30 PM to consider

the rezoning of premises owned by _____ and

located on _____, Broome County Tax

Map Number _____ from a _____

_____ Zoning classification to a _____

Zoning classification for the purpose of _____

_____ .

At the time of the hearing, all interested parties will be heard.

AFFIDAVIT OF MAILING

IN THE MATTER OF THE REZONING
OF TAX MAP # _____
FROM _____
TO _____

STATE OF NEW YORK)
) SS:
COUNTY OF BROOME)

I _____ residing at _____

being duly sworn, deposes and says: That on _____ I forwarded to all property owners within 500 feet of the proposed rezoning of Tax Map # _____ a letter stating that the property was to be rezoned from _____ to _____ taking the names as they appear on the last compiled assessment roll and their names and addresses are more particularly set forth in Exhibit A, which is attached hereto as Exhibit A.

These letters were sent by me in a postage paid sealed envelope addressed to the residence as indicated above and placed in an office of the Post Office under the exclusive care and custody of the United States Postal Service within New York State.

Attached hereto as Exhibit B is a copy of the form letter which was sent.

Sworn to before me this _____ day
of _____, 19 ____.

Notary Public

ATTACHMENT II
239 APPLICANT CHECKLIST

1. This action is qualified for review:
 - A. Within 500 feet of:
 - _____ a municipal boundary.
 - _____ state/county road.
 - _____ state/county drainage way/watercourse.
 - _____ state/county park.
 - B. a zoning text change _____.
 - C. a zoning map change _____.
 - D. other (specify) _____.

2. Type of action:
 - _____ zoning change.
 - _____ zoning map change.
 - _____ variance:
 - use _____.
 - area _____.
 - _____ text change.
 - _____ special permit.
 - _____ sign permit.
 - _____ flood plain permit.
 - _____ other (specify) _____.

3. Information to be submitted: (not all may be pertinent)
 - _____ Municipal 239 Application.
 - _____ copy of applicant's request.
 - _____ reason for rezoning.
 - _____ plans drawings as requested in the zoning ordinance.
 - _____ evidence of NYSDOT curb cut permit. (if required)
 - _____ evidence of County DPW curb cut permit. (if required)
 - _____ evidence of NYSDEC permit application. (if required)
 - _____ evidence of County Health Dept. permit application. (if required)
 - _____ evidence that local zoning requirements are met.
 - _____ property tax map number.

Kindly submit this checklist with review materials sent for Broome County 239 Review Purposes.

ATTACHMENT III

Broome County Department of Planning
County Office Building
Governmental Plaza P.O. Box 1766
Binghamton, New York 13902

Date

RE: _____ Application

Number _____
(Municipality Number)

Enclosed herein for your review and recommendation, pursuant to Section 239 l and m of the General Municipal law (or an advisory opinion), is the following application for a _____

(variance, special permit, district change, text amendment, or planned development)
of the _____ Zoning Ordinance.
(City, Town, or Village)

- 1) Name of Applicant: _____
- 2) Location of Property: _____
- 3) Tax Map Number: _____
- 4) Zoning District: _____
- 5) Reason for Review and Recommendation: _____

- 6) Other Pertinent Information: _____

A public hearing will be scheduled by the _____
(Town Board, Planning Board, or Zoning Board)
upon receipt of your recommendation.

Respectfully submitted,

Signature

January 1979
Broome County Planning Department

PROJECT I.D. NUMBER

617.21

Appendix C

State Environmental Assessment Form

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS ONLY

PART 1- PROJECT INFORMATION (To be completed by the Applicant or Project sponsor)

1. APPLICANT / SPONSOR

2. PROJECT NAME

3. PROJECT LOCATION:

MUNICIPALITY

COUNTY

4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)

5. IS PROPOSED ACTION:

- New
- Expansion
- Modification / alteration

6. DESCRIBE PROJECT BRIEFLY:

7. AMOUNT OF LAND AFFECTED:

Initially _____ acres Ultimately _____ acres

8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER LAND USE RESTRICTIONS?

- Yes
- No If No, describe briefly.

9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT

- Residential
- Industrial
- Commercial
- Agriculture
- Parks / Forest / Open space
- Other Describe:

10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)

- Yes
- No If yes, list agency (s) and permit / approvals

11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENT VALID PERMIT OR APPROVAL?

- Yes
- No If yes, list agency name and permit / approval

12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT / APPROVAL REQUIRE MODIFICATION?

- Yes
- No

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE

Applicant / sponsor name: _____ Date: _____

Signature: _____

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

OVER

1

PART II - ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE 1 THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF. Yes No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency. Yes No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1 Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste

production or disposal, potential for erosion, drainage or flooding problems? Explain Briefly:

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

C3 Vegetation or fauna, fish, shellfish or wild life species, significant habitats, or threatened or endangered species? Explain briefly:

C4 A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resource? Explain briefly:

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:

D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE

ENVIRONMENTAL IMPACTS? Yes

No

PART III- DETERMINATION OF SIGNIFICANCE (To be completed by the Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting, (i.e. urban or rural); (b) probability of occurring; (c) duration, (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide on attachments as necessary, the reasons supporting this determination:

Name of Lead Agency

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (If different from responsible officer)

Date
2.00